

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------------|---|-------------------------------|
| WILLIAM VENSON, also known as |) | |
| ELTON LEE HOLLY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Civil Action No. 07-1569 |
| |) | Judge William L. Standish |
| J.M. KILLINA, Warden, DISTRICT |) | Magistrate Judge Amy Reynolds |
| ATTORNEY OF ALLEGHENY and |) | Hay |
| ATTORNEY GENERAL OF THE STATE |) | |
| OF PENNSYLVANIA, |) | |
| |) | |
| Respondents. |) | |

ORDER


AND NOW, this 5th day of May, 2009, petitioner, William Venson, an inmate at the Otisville Correctional Institution in Otisville, New York, initiated this civil action by filing a petition for writ of habeas corpus by a person in state custody under 28 U.S.C. § 2254. On April 15, 2009, Magistrate Judge Amy Reynolds Hay issued a Report and Recommendation recommending that the petition for writ of habeas corpus be dismissed for lack of jurisdiction and/or as time-barred. Magistrate Judge Hay further recommended that a certificate of appealability under 28 U.S.C. § 2253 be denied.

The deadline for filing objections to Magistrate Judge Hay's Report and Recommendation expired on May 4, 2009, and no objections have been filed. Under the circumstances, the Report and Recommendation of Magistrate Judge Hay is adopted as the Opinion of the Court, and it is hereby ORDERED as follows:

1. The petition for writ of habeas corpus by a person in state custody filed by William Venson pursuant to 28 U.S.C. § 2254 is dismissed for lack of jurisdiction and/or as time-barred.

2. A certificate of appealability under 28 U.S.C. § 2253 is denied.

3. In accordance with Rule 4(a)(1) of the Federal Rules of Appellate Procedure, any party desiring to appeal from this Order must do so within thirty (30) days by filing a Notice of Appeal as provided in Rule 3 of the Federal Rules of Appellate Procedure.



William L. Standish
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

William Vensoon
06-845-068
Otisville Correctional Institution
Inmate Mail/Parcels
P.O. Box 1000
Otisville, NY 10963

Counsel of Record
(Electronically)